THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.28031 OF 2005

Date:02-01-2006

Between:

P.Venkateshwarlu …Petitioner

And

The Government of Andhra Pradesh rep. by
its Commissioner, Commercial Tax Department

And others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.28031 OF 2005

O R D E R (Per the Hon'ble Sri Bilal Nazki, J):

Heard learned counsel for the parties and with their consent, the writ petition is being disposed of at this stage.

This is a writ petition filed against an order of detention of goods as well as vehicle of the petitioner by the Assistant Commercial Tax Officer. The petitioner was found to be transporting paddy and according to the notice, it was not clear as to on whose behalf, the paddy, in question, was being transported. A show cause notice has been issued and the petitioner has been asked to give his reply within seven days. Learned counsel for the petitioner submits that even if the allegations levelled in the show cause notice are ultimately held to be true, he shall have to pay tax at the rate of 4 per cent and may also be imposed with penalty, which cannot be more than two times the tax. The whole amount may come to be around Rs.15,000/-, which is not disputed by the other side.

In this view of the matter, we direct release of the goods as well as the vehicle on deposit of an amount of Rs.15,000/- (Rupees fifteen thousand only) subject to

outcome of the enquiry by the competent authority. The release of the goods and the vehicle shall be subject to proof of ownership of the goods and the hiring of the vehicle as is claimed by the petitioner.

The writ petition is accordingly disposed of. No order as to costs.

_____

(Bilal Nazki, J)

Date: 2nd January, 2006

_____

(S.Ananda Reddy,J)

-

-

Note: Issue wire at party's cost

B/o

vrn